

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION**

**WILLIAM DAVIS and
LINDA DAVIS,**

Plaintiffs,

V.

ARROW FINANCIAL SERVICES, LLC

Defendants.

CIVIL ACTION NO.:
07-CV-215

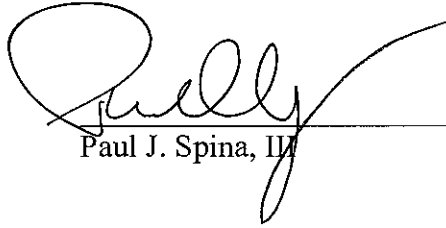
RESPONSE TO PLAINTIFFS' MOTION TO DISMISS

COMES NOW, Arrow Financial Services, LLC, (hereinafter “Arrow”) and files this its response to the Motion to Dismiss filed by the plaintiffs, William and Linda Davis and state the following:

1. The counter-claim raised by Arrow is a compulsory counter-claim.
2. Alternatively, the counter-claim raised by Arrow can be deemed permissive and this Court would have supplemental jurisdiction under 28 U.S.C. §1367(a).
3. It is in the best interest of all parties and judicial economy for this Court to hear all claims between the parties.
4. This suit has not been brought, as plaintiffs allege, to harass or abuse plaintiffs for bring their claims to Court. Simply, Arrow is seeking to enforce the unpaid, charged-off credit card obligation owed by Ms. Davis to Arrow.

WHEREFORE premises considered, Arrow Financial, LLC, requests this Honorable Court for an order denying the Plaintiffs' Motion to Dismiss Counter-Claim and for such other relief that is just and proper.

Respectfully submitted,



Paul J. Spina, III

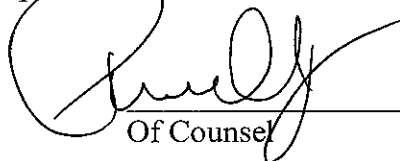
OF COUNSEL FOR DEFENDANTS
ARROW FINANCIAL SERVICES, LLC

Yearout, Spina & Lavelle, P.C.
1500 Urban Center Drive, Ste 450
Birmingham, Alabama 35242
(205) 298-1800
(205) 298-1801 (Fax)
Pspina@ysllaw.com

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing upon the following Counsel electronically through the Court's CM/ECF system and/or by placing a copy of the same in the United States Mail, properly addressed and postage prepaid on this the 3rd day of August, 2007.

Gary W. Stout
David G. Poston
Walter A. Blakeney
Post Office Drawer 311167
Enterprise, Alabama 36330



Of Counsel